Case 1:07-cv-05669-DLC Document 13 Filed 02/05/2008

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January 25, 2008

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Honorable Denise L. Cote United States District Judge Southern District of New York United States Courthouse 40 Foley Square New York, NY 10007

Jadotte v. Ryder 07 CIV. 5669 (DLC)

Our File No. DRT 23502

Re:

Honorable Judge Cote:

This letter is to request a brief extension of the discovery in this case.

The parties have cooperated in discovery, and have succeeded in completing almost all factual discovery in this case. In specific, on January 3, 2008 we took the deposition of the non-party Police Officer Wayne Bryan. On January 7, 2008 we took the deposition of all parties to this case.

Unfortunately, at his deposition, Mr. Jadotte informed us that he was in the process of making an appointment with Dr. Kaplan, the orthopedic surgeon with whom he has been treating, in order to determine whether he would have arthroscopic surgery on his left shoulder in addition to his right shoulder. For that reason, we have reserved our right to a further deposition of the plaintiff. Plaintiff's attorney has informed me that the plaintiff is seeking to rehabilitate the shoulder and has not yet made a decision on surgery.

In order to comply with this Court's discovery schedule, we have designated an independent medical examiner. However, we have we have not set up the date for the examination and have further reserved our rights to a second independent medical examination if the plaintiff has further surgery.

After the plaintiff's deposition, on January 18, 2008, we served a supplemental request for production of documents. Because the request is so recent, plaintiff has not yet complied with it.

Because of the uncertainty as to whether we will need a second deposition of the plaintiff, and because we are reluctant to incur the expense of two depositions of plaintiff's doctor, which would be necessary if we took his deposition and he then performed further surgery, we respectfully submit that we cannot complete discovery until plaintiff and his doctor make a clear determination as to whether

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plaintiff will need surgery on his left shoulder. Once that has been determined and we have been informed of it, we will be able to arrange the independent medical examination of the plaintiff and the deposition of plaintiff's doctor and complete discovery in this case.

Because discovery is not complete through no fault of the parties, and because discovery cannot be completed until the medical picture is clarified, we respectfully request that the discovery period in this case be appropriately extended. I have discussed this with the plaintiff's attorney and he joins in the request for an appropriate extension of discovery.

Thank you for your consideration of this request.

Respectfully submitted,

CONNORS & CONNORS, P.C.

By:

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DSH/mr

cc: Magistrate Judge Ronald L. Ellis

cc: Philip J. Sporn & Associates

52 Lincoln Road Brooklyn, NY 11225

with remount of the gartier, expect discovery may be extended. The faintiff Shall granicle a chartes letter on to further Surgery by Feleny 14, 2008.

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